

**TOWN COUNCIL MEETING
MINUTES
June 3, 2008**

The Town Council met in regular session on Tuesday, June 3, 2008 at 6:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Mayor Pro Tem Carolyn Sommers, Council Members Jim Cunningham, Ron Kasian, Michael Pezzulli and Mary Price; Town Manager John Godwin, Town Engineer James Chancellor, Planning Director Alan Efrussy, Special Projects Coordinator Matt Donnell, Economic Development Director Ron Clary and Town Secretary Michelle Lewis Sirianni. Councilman Anton Mattli was absent.

Mayor Israeloff called the meeting to order at 6:37 p.m. and declared a quorum was present.

EXECUTIVE SESSION: At 6:38 pm the council recessed into executive session to discuss: McKinney versus Fairview, and Real Estate.

At 7:35 pm Mayor Israeloff reconvened into the regular session and requested everyone to stand for the Pledge of Allegiance.

OATH TO NEWLY ELECT: Administer the oath of office to newly elected council members.

Town Secretary Michelle Lewis Sirianni gave the oath of office to Mary Price, Michael Pezzulli and Jim Cunningham and issued Certificates of Election.

SELECT MAYOR PRO TEM: Select a mayor pro tem for 2008-09.

Mayor Israeloff asked for nominations for Mayor Pro Tem. Current Mayor Pro Tem Sommers nominated Councilwoman Price.

Mayor Pro Tem Sommers made a motion to appoint Councilwoman Price as Mayor Pro Tem. Seconded by Councilman Pezzulli, with all in favor. Councilwoman Price abstained from the vote.

CONSENT AGENDA: All items listed under the Consent Agenda are considered to be routine by the Council and will be acted on by one motion. The following items were on the consent agenda: A) Approve minutes of the May 6 regular council meeting. B) Approve a new personnel time off policy. C) Approve inter-local agreements with Lucas and Parker for mutual aid fire support.

Councilman Kasian requested to pull item B.

Councilwoman Price made a motion to approve items A and C. Seconded by Councilman Cunningham, with all in favor.

Councilman Kasian recommended a few additions to the PTO policy. Councilman Kasian asked if the chart regarding the years of services could have a greater than sign added to specify each year up to the next year. Mr. Godwin responded that this recommended change could be added. Councilman Kasian also recommended that in the scheduling section that there be only one extension to call for each employee. Mr. Godwin responded that he prefers that the employee call their direct supervisor and if the supervisor is not in on any particular day, then it is up to them to designate someone to retrieve messages.

Councilman Kasian made a motion to approve item B as amended. Seconded by Councilman Pezzulli, with all in favor.

ZONING JOHNSON PROPERTY: Conduct a public hearing and take action regarding the zoning of property that is annexed but un-zoned, commonly known as the Johnson property, consisting of 1.9± acres, generally located east of and adjacent to Country Club Road (FM 1378), south of Camino Real, north of Farmstead and west of Home Place, to the One and One-Half Acre Ranch Estate Zone (Re-1.5).

Mr. Donnell introduced this item stating that next few zoning cases are part of a series of staff recommendations to zone property that is annexed but un-zoned. Mr. Donnell stated that this zoning is consistent with the Future Land Use Plan within the Comprehensive Plan. Mr. Donnell stated that residents were notified and had minimal feedback, but was all positive feedback. Mr. Donnell stated that town staff as well as the planning and zoning commission recommend the RE-1.5 zoning district.

Mayor Israeloff opened discussion to the public. No comments were made.

Mayor Israeloff opened discussion to the council members. No comments were made.

Councilwoman Sommers made a motion to approve zoning of property that is annexed but un-zoned, commonly known as the Johnson property, consisting of 1.9± acres, generally located east of and adjacent to Country Club Road (FM 1378), south of Camino Real, north of Farmstead and west of Home Place, to the One and One-Half Acre Ranch Estate Zone (Re-1.5). Seconded by Councilman Cunningham, with all in favor.

ZONING BAWA PROPERTY: Conduct a public hearing and take action regarding the zoning of property of that is annexed but un-zoned, commonly known as the Bawa property, consisting of 2.0± acres, generally located east of and adjacent to Country Club Road (FM 1378), south of Camino Real, north of Farmstead and west of Home Place, to the One and One-Half Acre Ranch Estate Zone (RE-1.5).

Mr. Donnell introduced this item stating that since the advertisement of this item, that the recommended zoning has been changed to the Two Acre Ranch Estate Zone (RE-2). Mr. Donnell stated that after receiving feedback from the Countryside residents, they requested to zone to RE-2 since the remainder of the subdivision is zoned RE-2 and this property is also located within the Countryside subdivision. Mr. Donnell stated that town staff as well as the planning and zoning commission recommended the RE-2 zoning district.

Mayor Israeloff opened discussion to the public. No comments were made.

Mayor Israeloff opened discussion to the council members. No comments were made.

Councilman Cunningham made a motion to approve the zoning of property of that is annexed but un-zoned, commonly known as the Bawa property, consisting of 2.0± acres, generally located east of and adjacent to Country Club Road (FM 1378), south of Camino Real, north of Farmstead and west of Home Place, to the Two Acre Ranch Estate Zone (RE-2). Seconded by Councilwoman Sommers, with all in favor.

ZONING CARNES PROPERTY: Conduct a public hearing and take action regarding the zoning of property that is annexed but un-zoned, commonly known as the Carnes property, consisting of 2.0± acres, generally located east of and adjacent to Country Club Road (FM 1378), south of Camino Real, north of Farmstead and west of Home Place, to the One and One-Half Acre Ranch Estate Zone (RE-1.5).

Mr. Donnell introduced this item stating since the advertisement of this item, that the recommended zoning has been changed to the Two Acre Ranch Estate Zone (RE-2). Mr. Donnell stated that after receiving feedback from the Countryside residents, they requested to zone to the RE-2 zoning district since the remainder of the subdivision is zoned RE-2 and this property is also located within the Countryside subdivision. Mr. Donnell stated that town staff as well as planning and zoning recommended the RE-2 zoning district.

Mayor Israeloff opened discussion to the public. No comments were made.

Mayor Israeloff opened discussion to the council members. No comments were made.

Councilman Pezzulli made a motion to approve the zoning of property that is annexed but un-zoned, commonly known as the Carnes property, consisting of 2.0± acres, generally

located east of and adjacent to Country Club Road (FM 1378), south of Camino Real, north of Farmstead and west of Home Place, to the Two Acre Ranch Estate Zone (RE-2). Seconded by Councilwoman Price, with all in favor.

ZONING LAWLER PROPERTY: Conduct a public hearing and take action regarding zoning of the Lawler property, consisting of 84.45± acres, generally located east of Highway 75, west of State Highway 5, and north of Stacy Road, to the Commercial Planned Development District (CPDD) zones E and F.

ABS A0701 PHILLIPS, GEORGE, TRACT 20, 5.234 ACRES >to zone F

ABS A0701 PHILLIPS, GEORGE, TRACT 17, 9.0 ACRES > to zone F

ABS A0701 PHILLIPS, GEORGE, TRACT 16, 21.6184 ACRES > to zone F

ABS A0701 PHILLIPS, JOHNATHAN, TRACT 26, 21.6184 ACRES >to zone F

ABS A0719 DIXON, JOSEPH, TRACT 4, 11.59 ACRES > to zone E

Mr. Efrussy introduced this item stating that this property is located within zones E and F of the Land Use District Map of the Commercial Planned Development District (CPDD). Mr. Efrussy stated that this property was unable to be annexed in October, 2006 because of pending litigation; however, recent judgment has ruled in favor of the town to annex and zone this property. Mr. Efrussy stated that town staff, as well as the planning and zoning commission recommends zoning to zone E and F within the CPDD.

Mayor Israeloff opened discussion to the public. No comments were made.

Mayor Israeloff opened discussion to the council members. No comments were made.

Councilman Kasian made a motion to approve the zoning of the Lawler property, consisting of 84.45± acres, generally located east of Highway 75, west of State Highway 5, and north of Stacy Road, to the Commercial Planned Development District (CPDD) zones E and F. Seconded by Councilwoman Sommers, with all in favor.

ZONING MONTECITO ESTATES I SUBDIVISION: Conduct a public hearing and take action regarding the zoning of property that is annexed and un-zoned, commonly known as the Montecito Estates I Subdivision, comprising 60 single family lots, generally located east of and adjacent to Country Club Road (FM 1378), south of and adjacent to the Country Club Estates Subdivision, to the Planned Center Zone (PC), that will allow the existing single-family lot sizes to remain as indicated on the recorded final plat for this subdivision.

Mr. Efrussy introduced this item stating that during the past several years, the town has been zoning properties that have been annexed, but were not zoned when annexed. Mr. Efrussy stated that by zoning these properties, inappropriate land uses that would be inconsistent with the Future Land Use Plan in the Comprehensive Plan would be avoided. Mr. Efrussy stated that the advantages of this procedure for these kinds of subdivisions

are that the lot sizes of all lots would remain the same as on the recorded final plat. Mr. Efrussy commented that this would ensure that the lot sizes remain as they are platted and any change in zoning would require the homeowner to go through the public hearing process. Mr. Efrussy stated that since there are a variety of lot sizes within that subdivision, the PC district is the most favorable zoning district to apply.

Mr. Efrussy stated the advantage to zoning this subdivision is that zoning would provide the town and the subdivision's residents with the opportunity to be protected from inappropriate land uses. Mr. Efrussy stated that town staff recommends zoning to the Planned Center Zone.

Mayor Israeloff opened discussion to the public. No comments were made.

Mayor Israeloff opened discussion to the council members. Councilwoman Price asked what the size of the smallest lot is. Mr. Efrussy responded that the smallest lot was .93 acres. Councilwoman Sommers asked if there would be any new restrictions on this PC in any way. Mr. Efrussy responded that everything that currently exists there now is legal and any new changes would have to be evaluated.

Councilwoman Price asked if this was creating a situation where a larger lot could be divided. Mr. Efrussy responded that the land owner would not be able to split them automatically since the lot sizes would be fixed, but they could go through the process to change their zoning, but that would require a new plan, plus recommendations from the planning and zoning commission and approval by town council.

Councilman Pezzulli made a motion to approve the zoning of property that is annexed and un-zoned, commonly known as the Montecito Estates I Subdivision, comprising 60 single family lots, generally located east of and adjacent to Country Club Road (FM 1378), south of and adjacent to the Country Club Estates Subdivision, to the Planned Center Zone (PC), that will allow the existing single-family lot sizes to remain as indicated on the recorded final plat for this subdivision. Seconded by Councilman Cunningham, with all in favor.

ZONING LOWRY PROPERTY: Conduct a public hearing and take action regarding the zoning of property that is annexed but un-zoned, known as the Lowry property comprising of one acre, generally located south of Murray Road, west of State Highway 5, north of Parkvillage Avenue, and east of Emerson Court, to the One Acre Ranch Estate Zone (RE-1).

Mr. Donnell introduced this item stating that the Future Land Use Plan within the Comprehensive Plan has this subject property to be zoned to the One-Acre Ranch Estate Zone (RE-1), which would aid in zoning consistency. Mr. Donnell stated that town staff as well as the planning and zoning commission recommend zoning this property to the RE-1 zoning district.

Mayor Israeloff opened discussion to the public. No comments were made.

Mayor Israeloff opened discussion to the council members. No comments were made.

Councilwoman Price made a motion to approve the zoning of property that is annexed but un-zoned, known as the Lowry property comprising of one acre, generally located south of Murray Road, west of State Highway 5, north of Parkvillage Avenue, and east of Emerson Court, to the One Acre Ranch Estate Zone (RE-1). Seconded by Councilwoman Sommers, with all in favor.

ZONING COMBEST PROPERTY: Conduct a public hearing and take action regarding the zoning of property that is annexed but unzoned, known as the Combest property comprising of one acre, generally located south of Murray Road, west of State Highway 5, north of Parkvillage Avenue, and east of Emerson Court, to the One Acre Ranch Estate Zone (RE-1).

Mr. Donnell introduced this item stating the Future Land Use Plan within the Comprehensive Plan has this subject property to be zoned to the One-Acre Ranch Estate Zone (RE-1), which would aid in zoning consistency. Mr. Donnell stated that town staff as well as the planning and zoning commission recommend zoning this property to the RE-1 zoning district. Mr. Donnell added that the residents were notified and no feedback was received.

Mayor Israeloff opened discussion to the public. No comments were made.

Mayor Israeloff opened discussion to the council members. No comments were made.

Councilman Pezzulli made a motion to approve the zoning of property that is annexed but unzoned, known as the Combest property comprising of one acre, generally located south of Murray Road, west of State Highway 5, north of Parkvillage Avenue, and east of Emerson Court, to the One Acre Ranch Estate Zone (RE-1). Seconded by Councilman Kasian, with all in favor.

REPLAT THE VILLAGE AT FAIRVIEW: Consider approving a re-plat of various lots in the Village at Fairview.

Mr. Clary introduced this item stating that a re-plat is being submitted by the MG Herring Group. Mr. Clary stated that the re-plat includes a variety of changes which consists of slightly modified lots, minor adjustments in roads and access ways and newly created lots. Mr. Clary stated that these proposed changes are minor and are in conformance with the Site Plan. Mr. Clary added that the re-plat has been reviewed by town staff as well as

the Fire Department and has been recommended for approval by the planning and zoning commission.

Mayor Israeloff opened discussion to the council members. No comments were made.

Councilwoman Sommers made a motion to approve a re-plat of various lots in the Village of Fairview. Seconded by Councilman Pezzulli, with all in favor.

AGREEMENT SCHOOL RESOURCE OFFICER: Consider approving an agreement with the Lovejoy Independent School District to provide and jointly fund a school resource officer for Sloan Creek Middle School.

Mr. Godwin introduced this item stating that traditionally schools use a school resource officer to help schools maintain a safe environment. Lovejoy Independent School District has expressed a desire to utilize an SRO at the Sloan Creek Middle School when it opens in August. Mr. Godwin stated that the LISD will pay one-half of the costs of the officer and associated expenses. Mr. Godwin stated that any SRO would work for the town and is currently not a budgeted position, but the LISD has agreed to pay its half upfront. Mr. Godwin stated that the police chief and he have reviewed the agreement and fully support the creation of an SRO program.

Councilwoman Price asked how many months approximately would the officer be working at the school and would this be considered a full day. Mr. Godwin responded that it would be roughly the months of August thru May (9 ½ months) and it would be considered a full day. Councilwoman Price asked why then is the town paying 50% of the cost for the officer, when it is more than half of the year that they would be at the school. Mr. Godwin responded that the town would be obligated to patrol that area to prevent crime and it is the town's job to provide service and most schools do not offer to pay half of the cost, so the town is receiving an added benefit in this regard.

Councilwoman Sommers asked if they would need any special training. Mr. Godwin responded that there is a two week program and the town will either look to use an in-house officer or hire someone else that has possibly been through the training.

Councilwoman Price asked if the officer's salary is in line with the other officer's. Mr. Godwin responded that it is no more or less than the existing officers and it will be a commissioned officer.

Councilman Kasian asked to make recommendations to language under Section V of the agreement for a little more clarity under the School Responsibilities.

Councilwoman Sommers made a motion to approve as amended the agreement with the Lovejoy Independent School District to provide and jointly fund a school resource officer for Sloan Creek Middle School. Seconded by Councilman Pezzulli, with all in favor.

PARK FUNDING APPLICATIONS: Consider authorizing submission of park funding applications to Collin County.

Mr. Godwin introduced this item stating that the Parks and Recreation Advisory Board approved recommending the submission of two park projects for possible Collin County funding matches. Mr. Godwin stated that these projects include improvements to Creekside Park to add a trail on the west side of the park and an observation platform and to add a playground and picnic pavilion to Cypress Crossing. Mr. Godwin stated that grant applications are due the first of July and he would like feedback from the council so that a resolution and submissions to the County could be prepared.

Mayor Israeloff asked for an update regarding the drainage at Creekside. Mr. Chancellor responded that improvements have been made to help prevent some flooding that had been occurring. Mr. Chancellor stated that they took out some silt that had built up and cleaned out some of the ditches.

Councilwoman Price asked if the quoted \$50,000 was half the cost or the total cost for the project and that the amount seemed low for an observation platform. Mr. Godwin responded that the price was for the total cost of the project and that the observation platform will just be a structure with a sitting area. Councilwoman Price asked if it would be a natural trail or concrete trail. Mr. Godwin responded that it will not be a natural trail. Councilwoman Price expressed that to avoid confusion; she wants to make sure the town has the right plan since there were some changes made to the plan after recommendations from the residents. Councilwoman Sommers added that the Park and Recreation Board needs to have what has been previously approved. Mr. Godwin responded that he has the most recent approved plan as does the Parks and Recreation Board. Chairman Bill Wells from the Planning and Zoning Commission commented that he attends the Parks and Recreation meetings and he is the only resident normally in attendance and can ensure that the citizen comments are being acknowledged.

Mayor Israeloff asked for the town to consider a plan for a sidewalk trail along Hart Road. Councilman Pezzulli stated that the north side of Hart Road near St. James on the west side only has three houses that would be impacted since the Stoddard property and Lovejoy are vacant land. Councilman Pezzulli expressed his concern with providing safe access to schools. Councilwoman Price added that she would also like to see a trail added to Hart Road.

DEVELOPMENT PROJECTS & ORDINANCES: Receive town manager's monthly report on development and ordinances.

Mr. Godwin highlighted the following developments in the town:

- Apartment number changes – Should have back to council on July 1, 2008 to take action on a fixed number of multi-family units.

- Pleasantville – The project has been withdrawn.
- Fairview Center – A work session with council and Planning and Zoning will be held on June 17, 2008 to discuss this item.
- Rickman/Harper – No updated status or active project. Town staff has not had any feedback.
- AK's Sports Bar & Grill – Changing ownership. The new name will be The Venue and will be participating in the town's 50th Anniversary Celebration.

Councilman Pezzulli commented that in regards to Tranquility; project is still in negotiations and has been advised that Mr. Smith will go to council and request higher density. Councilman Pezzulli asked if the town was obligated to change the zoning and if Mr. Smith had any expectations from the town. Mr. Godwin responded that the town is not obligated to change the zoning.

Mayor Israeloff asked if Stoddard Road would be opened with the school. Mr. Godwin responded that the utility companies have been very slow, but Mr. Chancellor has been conversing with many to help mobilize the project. Mr. Godwin added that it could be a challenge to do in two and a half months and they are currently looking at lane closings to help speed up the process.

Councilwoman Price asked if the stop light at FM 1378 would be done this year. Mr. Chancellor responded that they are done with the design and the design is being turned over to construction. Councilwoman Sommers asked Mr. Chancellor to encourage TX Dot to complete as soon as possible.

Councilman Cunningham asked for an update on the drainage projects and if Seattle Slew was on the radar. Mr. Chancellor responded that currently the town needs to do some ditch work on Summerhill Farms due to flooding almost occurring at a resident's home. Mr. Chancellor stated that other smaller projects that can be lumped together that he would like to see worked on are: Kentucky Lane, Creekside Park, and Man O War Lane. Mr. Chancellor noted that he will seek out bids in July and August and try to group some together so that if budget allows, he will have funding to do one big project. Councilman Cunningham encouraged Mr. Chancellor to consider working on Seattle Slew since one house was already flooding when it rains heavily.

CITIZENS INPUT: Mayor Israeloff stated that anyone wishing to speak at this time to state their name and address for the record and to remember that no formal discussion or action may be taken on these items at this meeting.

No additional comments were made.

ACTION NECESSARY FROM EXECUTIVE SESSION: No action required or taken.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 8:53 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary

